43

1948

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PALESTINE

145

9479

4 JUL 1948

Registry Number } E9479/1260/31

FROM U.K. DEL NEW YORK
(Mr P Falla)
No. 17/201/48

Dated 9 Jul 48

Received in Registry } 14 Jul 48

Attitude to be adopted in the Security Council on the question of the 5 British subjects who were captured by Irgun Zwei Leumi.

Sedurity Council has been given an initial report on the capture of the 5 British subjects. Suggests that it would not be advisable to worry this questionn as it may only confirm an opinion which is already held by many that the main British interest in Palestine question is"to score points in a vendetta against the Jews". Wishes to be informed if Foreign Office opinion is contrary to this suggestion.

Last Paper

E 9473

References

(Print)

(How disposed of)

Tel. New York 3055
Rptd to Tel Aviv 7838
Jerusalem 462
Cairo 508
Tuly 16.

S. Peters Dist. + Kendal
July 1

Tel New York 3055, [illegible]
Rptd to Tel Aviv [illegible]
Jerusalem [illegible]
Haifa [illegible]

S. As Usual, July 2[illegible].

(Action completed)

(Index)

Next Paper

E9498

(Minutes.)

Mr. Falla mistakes our object. We want to worry the Govt of Israel, not U.K. And the affair may assume proportions far larger than he foresees.

D. Balfour
14/7

See E 9481

H.B. 22/7

Sir P. P. To minute, Wilberley. 17 July

G. 27:VII

34967

[illegible] R

[illegible] L DISTRIBUTION

[illegible] ONFIDENTIAL

[illegible] ing British Consul General

[illegible] 280. D. 5.50.p.m. July 16th, 1948.
July 16th, 1948. R. 6.12.p.m. July 16th, 1948.

Repeated to U.K.Del New York No. 58 Important
Haifa No. 34 Important.

LOST LIEBLATH

Addressed to Foreign Office telegram No. 280 of July 16th, repeated for information Important to United Kingdom Delegation New York and Important to Haifa.

My telegram No. 266.

Five abducted British subjects.

Mr. Bernard Joseph has just informed member of my staff that men have this afternoon been handed over to "Armed Forces of State of Israel" (i.e. Haganah) and that they are being conveyed to Tel Aviv.

2. I have asked him that we should be enabled to provide them with legal aid and he assured me that they should receive all proper facilities.

Foreign Office please pass to United Kingdom Delegation as my telegram No. 58.

[Repeated to United Kingdom Delegation New York].

[Copy sent to Middle East Secretariat].

---o o---

I have corrected this

Minutes.

E 9479/1260/31 INDEXED

P.M. 147

The five British Subjects kidnapped in Jerusalem.

Sir Alexander Cadogan telephoned from New York yesterday with reference to our telegram No. 3055 to him on this subject.

He said he was doubtful of the wisdom of raising the question as we had suggested, for the following reasons -

(1) The Truce Commission had informed the Security Council that it had given time to the Jewish authorities for compliance with their demand that the five men should be surrendered, and the time limit had not yet been reached.

(2) Ventilation of the question in the Security Council might imply some recognition of the authority of "Israel" in Jerusalem.

(3) It had been reported in the American press that the Minister of State, answering questions on the subject in the House of Commons, had stated that H.M. Government did not hold the Jewish authorities responsible for this action of Irgun.

(4) Mr. Eban might link the question with that of Cyprus, where we were detaining 9,000 Jews without complete legal justification.

Sir Alexander Cadogan also said that the Security Council had adjourned until the beginning of next week and if he was to carry out our instructions literally he would have to convene a special meeting for the purpose.

I said that we did not want him to go to that length. We had assumed that the Council would be meeting again yesterday to continue discussion of the Syrian resolution and that the matter could relevantly be introduced then. In the circumstances it would suffice if he ensured that Palestine was on the Agenda at the next meeting of the Council and if he then

raised/

Nothing to be Written in this Margin.

raised the question. In any event we wished him to do so in theterms of our telegram, subject to any change in the situation before the next meeting of the Security Council. We would keep him informed by telegram. I will draft on Monday morning in the light of our latest information.

H B Beeley
17th July, 1948.

17.7

Tel. sent
HB. 18/7

Nothing to be Written in this Margin.

UK 1A-5M-3-48-W

UNITED KINGDOM DELEGATION TO THE UNITED NATIONS
EMPIRE STATE BUILDING
NEW YORK 1, N. Y.

TELEPHONE:
LONGACRE 5-2070

No. 17/201/48

RECEIVED IN C.B.
13 JUL 1948
SENT TO DEPT.
9479
1948

REPLIES SHOULD BE ADDRESSED
P. O. BOX 304
NEW YORK 1, N. Y.

PERSONAL AND CONFIDENTIAL

9th July, 1948.

Dear Harold,

1115/1260

As instructed in Foreign Office telegram No.2917 of July 7th, we have passed on to the Security Council the information in Jerusalem telegram No.238 about the kidnapping of five British subjects by the Irgun Zvai Leumi. This has been circulated as document S/874 of July 8th.

We have not yet received the fuller information suggested in paragraph 3 of the Foreign Office telegram, and pending instructions we are not passing on to the United Nations the further details in Jerusalem telegram No.242 of July 8th.

We presume that your object in instructing us to inform the Council of this matter (which has been quite fully reported in the press here) was to illustrate the lack of respect shown by I.Z.L. to the United Nations and particularly to the Truce Commission. As such it is no doubt quite a useful piece of evidence, though I doubt if anyone here, including Eban, requires any convincing of the general lawlessness of the Irgun. You may, however, agree that against the wider background of resumed hostilities in Palestine it would be somewhat out of place for us to go on worrying this question, especially if we did so in such a way as to confirm the impression - which I hope can be gradually killed - that our main interest in the Palestine question is to score points in a vendetta against the Jews.

In this connection, and with reference to paragraph 3 of Jerusalem telegram No.242, I can well imagine Eban asking who was responsible for the "state of chaos ... in Jerusalem" and whether, for example, the Egyptian pilots who fired on a United Nations observer 'plane not long ago had any more respect for the United Nations flag than the I.Z.L.!

I am sending a copy of this letter to Denis Allen in Washington.

Yours ever,

Paul

(P.S.Falla)

Harold Beeley, Esq.,
Eastern Department,
Foreign Office, S.W.1.

P.T.O.

P.S. Since the above was drafted we have received Jerusalem telegram No.241 of July 7th with the men's names and description. In the light of the foregoing we are inclined not to make a further communication to the Security Council at the moment; but please telegraph if you wish us to do so.

Registry No.

~~Top Secret~~
~~Secret~~
Confidential.
~~Restricted~~
~~Open~~

HB

CYPHER

F.O.

(Date)

Despatched 1 17 M.

Most Immediate
Giant

Draft.

Telegram to :—

U.K. Del. New York

No. 3055.

(Date) July 16

Repeat to :—

Washington.

Jerusalem

BMEO 808.

[*Security classification —if any*] Confidential

Addressed to U.K. Del. New York

telegram No 3055 (*date*) 16 July

repeated for information to Washington ~~and~~ Jerusalem and BMEO.

Despite the efforts of H.M. Consulate-General, Jerusalem, the five British subjects kidnapped by the Irgun are still detained by that organisation. The local Jewish authorities in Jerusalem claim that they are making efforts to have the men handed over to their custody, but if this is true they have not yet succeeded.

2. It seems probable that the best way of persuading the Jewish authorities to take some effective action will be to use this affair as a means of embarrassing ~~their~~ the Jewish representative on the Security Council. You should therefore take the earliest possible occasion to raise the subject, preferably to-day.

3. You might begin by drawing the attention of the Council to the report which I understand the Truce Commission have submitted on Jewish designs in Jerusalem. You should then say that the seizure of the 5 British subjects does not inspire confidence in the pretensions of the Jewish leaders to exercise effective control over their community in Palestine. It is true that Jerusalem is not within the area over which they claim governmental authority but the Jewish forces in Jerusalem are presumably subject to

their/

~~En-Cipher~~
~~Code~~
Cypher.

Distribution :—

World Organisation

H. Beeley 16/7
Mr Wright 16/7

16 7

17 JUL

NOTHING TO BE WRITTEN IN THIS MARGIN.

34015 Wt.18892/152 30,000 12/47 A.S. E.W.Ltd. Gp.685

their military command. The impunity with which a ~~the~~ terrorist organisation has been able to seize and detain five foreign nationals, and the public statements made by that organisation to the effect that it will itself stage a trial of these nationals, are obvious symptoms of anarchy.

4. The Truce Commission will have made the point that the men were seized in a building flying the flags of the Truce Commission and under their protection. On this aspect of the question you should refer to article 105 of the Charter ["~~The organisation shall enjoy in the territories of each of its members such privileges and immunities as are necessary for the fulfilment of its purposes~~"] and Article II, section 3 of the General Convention on the privileges and immunities of the United Nations approved by the General Assembly for accession by all members. ["~~The premises of the United Nations shall be inviolable ...~~"]. Although Jerusalem is not in the territory of a member of the United Nations, and the authorities there are consequently under no legal obligation to give these immunities to the organisation, they are nevertheless under a strong moral obligation to ensure that the United Nations and its representatives are accorded those privileges and immunities to which they would be entitled in the territories of Member states. The capture of the 5 men is therefore an act for which the authorities claiming to administer the area in which it occurred can make amends only by immediately surrendering the men to the Truce Commission.

JK.
16.7.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Cypher/OTP
Confidential

WORLD ORGANISATION DISTRIBUTION

FROM FOREIGN OFFICE TO NEW YORK

(To United Kingdom Delegation to United Nations)

No. 3055 D. 1.17 p.m. 16th July, 1948.

16th July, 1948.

Repeated to: Washington No. 7858
Jerusalem No. 462
B.M.E.O.(Cairo) No.808.

MOST IMMEDIATE

CONFIDENTIAL

GIANT

Addressed to United Kingdom Delegation, New York, telegram No. 3055 of 16th July, repeated for information to Washington, Jerusalem and B.M.E.O.(Cairo).

Despite the efforts of His Majesty's Consulate-General, Jerusalem, the five British subjects kidnapped by the Irgun are still detained by that organisation. The local Jewish authorities in Jerusalem claim that they are making efforts to have the men handed over to their custody, but if this is true they have not yet succeeded.

2. It seems probable that the best way of persuading the Jewish authorities to take some effective action will be to use this affair as a means of embarrassing the Jewish representative on the Security Council. You should therefore take the earliest possible occasion to raise the subject, preferably to-day.

3. You might begin by drawing the attention of the Council to the report which I understand the Truce Commission have submitted on Jewish designs in Jerusalem. You should then say that the seizure of the 5 British subjects does not inspire confidence in the pretensions of the Jewish leaders to exercise effective control over their community in Palestine. It is true that Jerusalem is not within the area over which they claim governmental authority but the Jewish forces in Jerusalem are presumably subject to their military command. The impunity with which a terrorist organisation has been able to seize and detain five foreign nationals, and the public statements made by that organisation to the effect that it will itself stage a trial of these nationals, are obvious symptoms of anarchy.

4. The Truce Commission will have made the point that the men were seized in a building flying the flags of the Truce Commission and under their protection. On this aspect of the question you should refer to article 105 of the Charter and article II, section 3 of the General Convention on the privileges and immunities of the United

/Nations approved by the ...

Foreign Office telegram to New York No. 5055.

Nations approved by the General Assembly for accession by all members. Although Jerusalem is not in the territory of a member of the United Nations, and the authorities there are consequently under no legal obligation to give these immunities to the organisation, they are nevertheless under a strong moral obligation to ensure that the United Nations and its representatives are accorded those privileges and immunities to which they would be entitled in the territories of Member states. The capture of the 5 men is therefore an act for which the authorities claiming to administer the area in which it occurred can make amends only by immediately surrendering the men to the Truce Commission.

zzz

Registry No. E

~~Top Secret.~~
~~Secret.~~
Confidential
~~Restricted.~~
~~Open.~~

OUT FILE

F. O.,

194 .

Despatched

M.

Draft.

UK Del. New York

Immediate
Confidential

Telegram.

No. 3083

(Date) July 18th

Repeat to :—

Washington 7945
Jerusalem 480
Haifa saving 1005

since pressure on the Jewish representatives likely then seems to be our best means of influencing the Jewish authorities in Palestine to surrender the men.

~~En Clair.~~
~~Code.~~
Cypher.

Distribution :—

Diplomatic

Copies to :—

JUL 1948

Addressed to UK Del. New York, telegram no. 3083 of 18/7, repeated to Washington, Jerusalem and saving to Haifa.

My telegram no. 3055 [of 16th July: British subjects kidnapped in Jerusalem].

The considerations you put to Beeley by telephone have been carefully examined here, but I still think it essential to raise this question in the Security Council.

The kidnapping has aroused strong feeling here, in ~~Parliament~~ the House of Commons as well as among the public, and this should be reflected in the tone of your statement, which I hope you will be able to make on Monday.

2. It now seems reasonably certain that the men have been handed over to Haganah and taken to "Israeli" territory.

/You should

NOTHING TO BE WRITTEN IN THIS MARGIN.

(13556) Wt. 43697-140 100m 3/47 G.S.St. Gp 620

You should still make the point,* however, that the Jewish leaders do not appear to be in control of important elements in the community. And you should conclude, as suggested in my telegram under reference, by supporting the Truce Commission's demand for the surrender of the men to them.

3. ~~For your information~~, you should know that we are taking the following action in case surrender to the Truce Commission is refused:

(a) informing the Jewish authorities that we cannot recognise the right of any court established by them to try British subjects, and that deportation would therefore be a more proper course.

(b) assisting the Jerusalem Electric Corporation to obtain legal advice for the men if the Jewish authorities nevertheless insist on a trial.

H.B. 18/7

NOTHING TO BE WRITTEN IN THIS MARGIN.

Cypher/OTP
E
Confidential

DIPLOMATIC DISTRIBUTION

FROM FOREIGN OFFICE TO NEW YORK

(To United Kingdom Delegation to United Nations).

No.3083
18th July, 1948

D. 2.10. p.m. 18th July, 1948.

Repeated to Washington No.7945; Jerusalem No.480;
Haifa No.100 Saving.

IMMEDIATE
CONFIDENTIAL

Addressed to United Kingdom Delegation New York telegram No.3083 of 18th July, repeated for information to Washington, Jerusalem and Saving to Haifa.

My telegram No.3054 [of 16th July: British subjects kidnapped in Jerusalem].

The considerations you put to Beeley by telephone have been carefully examined here, but I still think it essential to raise this question in the Security Council, since pressure on the Jewish representative there seems likely to be our best means of influencing the Jewish authorities in Palestine to surrender the men. The kidnapping has aroused strong feeling here, in the House of Commons as well as among the public, and this should be reflected in the tone of your statement, which I hope you will be able to make on Monday.

2. It now seems reasonably certain that the men have been handed over to Haganah and taken to "Israeli" territory. You should still make the point, however, that the Jewish leaders do not appear to be in control of important elements in the community. And you should conclude as suggested in my telegram under reference, by supporting the Truce Commission's demand for the surrender of the men to them.

3. You should know that we are taking the following action in case surrender to the Truce Commission is refused:

(a) Informing the Jewish authorities that we cannot recognise the right of any court established by them to try British subjects, and that deportation would therefore be a more proper course.

(b) Assisting the Jerusalem Electric Corporation to obtain legal advice for the men if the Jewish authorities nevertheless insist on a trial.

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